



Texas Department of Insurance

Division of Workers' Compensation

Medical Fee Dispute Resolution, MS-48

7551 Metro Center Drive, Suite 100 • Austin, Texas 78744-1645

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MEDICAL FEE DISPUTE RESOLUTION FINDINGS AND DECISION

GENERAL INFORMATION

Requestor Name and Address

DR. SCOTT SLEDGE
155 E SONTERRA BLVD., SUITE 211
SAN ANTONIO, TX 78258

Respondent Name

ZURICH AMERICAN INSURANCE CO

Carrier's Austin Representative Box

Box Number 19

MFDR Tracking Number

M4-12-1342-01

REQUESTOR'S POSITION SUMMARY

Requestor's Position Summary: "Request for authorization was requested on 1/21/11 and notification of approval was recd on 1/26/11. There was no indication that claim was in dispute or that final adjudication had not taken place. Surgery was performed in good faith and payment is expected. Numerous attempts to contact adj. Randy Hanson with no return call. Spk w/ Desire Martin on 10/17 and was told she could not see a dispute on file. Faxed claims to her for review but came back denied again with reason, not finally adjudicated"

Amount in Dispute: \$2,827.88

RESPONDENT'S POSITION SUMMARY

Respondent's Position Summary: "The EOBs raise underlying issues of causal relation. In particular, the EOBs indicate that the treatments underlying the charges in dispute were for body parts and/or conditions not related to the compensable injury. Attached is a copy of the carrier's dispute information indicating that the condition for which Claimant is being treated is not related to the compensable injury. To the extent that there has been no final resolution of this liability dispute and in accordance with 28 TAC Sections 133.307 (d) and/or 133.308(j), any request for resolution of a fee dispute and any request for an IRP must be held in abeyance until such liability disputes have been resolved by a final decision of the DWC. Carrier will not be liable for an IRP fee incurred as a result of any referral in violation of this rule of abeyance."

Response Submitted by: Zurich c/o Flahive, Ogden & Latson PO Box 201320 Austin TX 78720

SUMMARY OF FINDINGS

Dates of Service	Disputed Services	Amount In Dispute	Amount Due
February 7, 2011	29827-RT, 28926-59, 29827-AS and 29826-AS	\$2,827.88	\$0.00

FINDINGS AND DECISION

This medical fee dispute is decided pursuant to Texas Labor Code §413.031 and all applicable, adopted rules of the Texas Department of Insurance, Division of Workers' Compensation.

Background

1. 28 Texas Administrative Code §133.305 sets forth general provisions regarding dispute of medical bills.
2. 28 Texas Administrative Code §133.307 sets out the procedures for resolving medical fee disputes.
3. 28 Texas Administrative Code §141.1 sets out the procedures for requesting and setting a Benefit Review Conference.
4. 28 Texas Administrative Code §124.2 relating to Carrier Reporting and Notification Requirements
5. This request for medical fee dispute resolution was received by the Division on January 3, 2012.
6. The services in dispute were reduced/denied by the respondent with the following reason codes:
Explanation of benefits dated February 25, 2011 and October 25, 2011
 - 851 PAYMENT DISALLOWED. ENTITLEMENT TO BENEFITS NOT FINALLY ADJUDICATED.
 - W11 ENTITLEMENT TO BENEFITS. NOT FINALLY ADJUDICATED.
 - 218 BASED ON ENTITLEMENT TO BENEFITS.

Issues

1. Was the request for medical fee dispute resolution filed in accordance with 28 Texas Administrative Code §133.307
2. Are the disputed services eligible for medical fee dispute resolution under 28 Texas Administrative Code §133.307?

Findings

1. 28 Texas Administrative Code §133.307 (2)(D) if the carrier has raised a dispute pertaining to liability for the claim, compensability, or extent of injury, in accordance with 28 Texas Administrative Code §124.2 of this title (relating to Carrier Reporting and Notification Requirements), the request for medical fee dispute resolution will be held in abeyance until those disputes have been resolved by a final decision of the commission.
2. The appropriate dispute process for unresolved issues of compensability, extent and/or liability requires filing for a Benefit Review Conference pursuant to 28 Texas Administrative Code §141.1 prior to requesting medical fee dispute resolution. Review of the submitted documentation finds that there are unresolved issues of compensability, extent and/or liability for the same service(s) for which there is a medical fee dispute. No documentation was submitted to support that the issue(s) of compensability, extent and/or liability have been resolved prior to the filing of the request for medical fee dispute resolution.
3. The requestor has failed to support that the disputed services are eligible for medical fee dispute resolution pursuant to 28 Texas Administrative Code §133.307.

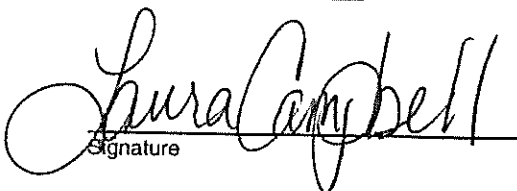
Conclusion

For the reasons stated above, the requestor has failed to establish that the respondent's denial of payment reasons concerning liability for the injured employee's workers' compensation claim, compensability of that claim, and/or extent-of-injury issues with that claim have been resolved through the required dispute resolution process as set forth in Texas Labor Code Chapter 410 prior to the submission of a medical fee dispute request for the same services. Therefore, medical fee dispute resolution staff has no authority to consider and/or order any payment in this medical fee dispute. As a result, no amount is ordered.

ORDER

Based upon the documentation submitted by the parties and in accordance with the provisions of Texas Labor Code §413.031, the Division has determined that the requestor is entitled to \$0.00 reimbursement for the disputed services.

Authorized Signature


Signature

Laura Campbell
Medical Fee Dispute Resolution Officer

February 27, 2011
Date

YOUR RIGHT TO REQUEST AN APPEAL

Either party to this medical fee dispute has a right to request an appeal. A request for hearing must be in writing and it must be received by the DWC Chief Clerk of Proceedings within **twenty** days of your receipt of this decision. A request for hearing should be sent to: Chief Clerk of Proceedings, Texas Department of Insurance, Division of Workers Compensation, P.O. Box 17787, Austin, Texas, 78744. The party seeking review of the MDR decision shall deliver a copy of the request for a hearing to all other parties involved in the dispute at the same time the request is filed with the Division. **Please include a copy of the *Medical Fee Dispute Resolution Findings and Decision*** together with any other required information specified in 28 Texas Administrative Code §148.3(c), including a **certificate of service demonstrating that the request has been sent to the other party.**

Si prefiere hablar con una persona en español acerca de ésta correspondencia, favor de llamar a 512-804-4812.